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BEFORE THE FEDERAL ELECTION COMMISSION

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In the Matter of )  
 ) MUR 6510  
Kirk for Senate and Frank Considine in )  
his official capacity as treasurer; )  
Senator Mark Kirk; Dorothy )  
McCracken; Robert Edward Vail, Jr.; )  
Van Ness Communications; The )  
Patterson Group )

CERTIFICATION

I, Shelley E. Garr, recording secretary for the Federal Election Commission executive session on July 09, 2013, do hereby certify that the Commission decided by a vote of 4-0 to:

1. Find no reason to believe that Kirk for Senate and Frank Considine in his official capacity as treasurer, Senator Mark Kirk, Dorothy McCracken, Robert Edward Vail, Jr., The Patterson Group and Van Ness Communications violated 2 U.S.C. § 439a(b) by converting campaign funds to "personal use" based on the theory that McCracken was a "family member" of Sen. Kirk, and that she, through Van Ness and Patterson Group, did not provide *bona fide* services at fair market value to the campaign.
2. Dismiss the allegations that Kirk for Senate and Frank Considine in his official capacity as treasurer, Senator Mark Kirk, Dorothy McCracken, Robert Edward Vail, The Patterson Group and Van Ness Communications violated 2 U.S.C. § 439a(b) by converting campaign funds to "personal use" through payment for a gym membership. *See Heckler v. Cheney*, 470 U.S. 821 (1985).
3. Find no reason to believe that Kirk for Senate and Frank Considine in his official capacity as treasurer, Senator Mark Kirk, Dorothy McCracken, Robert Edward Vail, Jr., The Patterson Group and Van Ness Communications violated 2 U.S.C. § 439a(b) by converting campaign funds to "personal use" through payments for travel, meals, transportation, lodging, a dental bill, clothing, and cosmetics.

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► Certification for MUR 6510

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4. Find no reason to believe that Kirk for Senate and Frank Considine in his official capacity as treasurer violated 2 U.S.C. § 434(b).
5. Approve the Factual and Legal Analyses as recommended in the First General Counsel's Report dated March 8, 2013, subject to edits as previously circulated.
6. Approve the appropriate letters.
7. Close the file.

Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision. Commissioner McGahn II was recused and did not vote.

Attest:

July 12, 2013  
Date

Shelley E. Gair  
Shelley E. Gair  
Deputy Secretary of the Commission

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